

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 24336 Permit 16684 License

**ORDER TO CHANGE THE PLACE OF USE
AND AMENDING THE PERMIT**

WHEREAS:

1. Permit 16684 was issued to Anna Kluge on October 17, 1974 pursuant to Application 24336.
2. Permit 16684 was subsequently assigned to Donald R. Eutenier.
3. Decision WR 1637 approved a Change in Place of Use and additional changes to Permit 16684.
4. Permit 16684 should be amended to conform with Decision 1637.
5. Permit Condition 11 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 4 of this permit regarding the description of the place of use shall read as follows:

15 acres within the NW¼ of NE¼ of Section 32; and
19 acres within the NE¼ of NE¼ of Section 32, all
within T13N, R9W, MDB&M as shown on map on file with the State Water
Resources Control Board (SWRCB). (0000004)
2. Condition 11 of this permit is amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common
law public trust doctrine, all rights and privileges under this permit
and under any license issued pursuant thereto, including method of
diversion, method of use, and quantity of water diverted, are subject to
the continuing authority of the State Water Resources Control Board in
accordance with law and in the interest of the public welfare to protect
public trust uses and to prevent waste, unreasonable use, unreasonable
method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

3. Condition 19 is added to this permit as follows:

This permit is subject to the prior rights of Yolo County Flood Control and Water Conservation District to store water in Clear Lake as set forth in the Gopcevic Decree. During years in which the elevation of Clear Lake does not reach 7.56 feet as measured on the Rumsey Gage and water has not been discharged from Clear Lake to hold the water level down in compliance with the Gopcevic Decree, diversion under this permit is not authorized unless permittee has entered into a contract with the Yolo County Flood Control and Water Conservation District for the purchase of water directly diverted for frost protection. Permittee shall comply with the provisions of the contract insofar as the provisions are not inconsistent with the terms of this permit. (022D002)

4. Condition 20 is added to this permit as follows:

Permittee shall install and maintain a totalizing flow meter on the discharge line of the diversion facilities on Adobe Creek satisfactory to the Chief, Division of Water Rights, to measure the cumulative quantity of water directly diverted from the creek. The flow meter shall be installed within 90 days from the date of this order. (0060700)

5. Condition 21 is added to this permit as follows:

Permittee shall record the total amount of water diverted each year for frost protection purposes under this permit and shall supply such records to the Yolo County Flood Control and Water Conservation District at the time specified in the contract with the District and to the SWRCB with permittee's report of annual water use. (0110900)

6. Condition 22 is added to this permit as follows:

Permittee shall, within 90 days from the date of this Order, or such time as approved by the Chief of the Division of Water Rights upon receipt of a petition for extension of time showing due diligence in attempting to comply with the 90 day limit, screen all pump intakes with 5/32-inch mesh. In lieu of screening, perforated pipe or plate, with holes 5/32-inch or less in diameter may be used. Screens and/or perforations shall be regularly cleaned by permittee or otherwise designed so that approach velocities at the intake do not exceed 0.33 foot per second. (0400700)

Dated: FEBRUARY 17 1998

for 
Edward C. Anton, Chief
Division of Water Rights

P. 16684

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24336

PERMIT 16684

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE WATER
TO THE PROPOSED USE SHALL BE
MADE ON OR BEFORE

December 1, 1987 (0000009)

2. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required

to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

(0000012)

Dated: NOVEMBER 5 1980

L.C. Spencer, for
Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 16684

Application 24336 of ANNA KLUGE

BOX 395, ROUTE 1, KELSEYVILLE, CALIFORNIA 95451

filed on APRIL 4, 1973, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

ADOBE CREEK

CLEAR LAKE THENCE CACHE CREEK

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
SOUTH 800 FEET AND WEST 1,900 FEET FROM NE CORNER OF SECTION 32	NW1/4 OF NE1/4	32	13N	9W	MD

County of LAKE

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
FROST PROTECTION	NW1/4 OF NE1/4	32	13N	9W	MD	20

The place of use is shown on map filed with the State Water Resources Control Board.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED, AND SHALL NOT EXCEED 2.2 CUBIC FEET PER SECOND TO BE DIVERTED FROM MARCH 1 TO MAY 30 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER THIS PERMIT SHALL NOT EXCEED 20 ACRE-Feet PER YEAR. (0000005)
6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS. (0000006)
7. ACTUAL CONSTRUCTION WORK SHALL BEGIN ON OR BEFORE NINE MONTHS FROM DATE OF PERMIT AND SHALL THEREAFTER BE PROSECUTED WITH REASONABLE DILIGENCE, AND IF NOT SO COMMENCED AND PROSECUTED, THIS PERMIT MAY BE REVOKED. (0000007)
8. SAID CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1976. (0000008)
9. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1977. (0000009)
10. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED. (0000010)
11. ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.
- THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION. (0000012)
12. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT TO IMPOSE ANY APPROPRIATE CONDITIONS AT SOME FUTURE DATE TO CONFORM THE PERMIT TO BOARD POLICY ON USE OF WATER FOR FROST PROTECTION. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING. (0000020)
13. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT. (0000011)
14. THIS PERMIT SHALL NOT BE CONSTRUED AS CONFERRING UPON THE PERMITTEE RIGHT OF ACCESS TO THE POINT OF DIVERSION. (0000021)



15. IN ACCORDANCE WITH SECTION 1602 AND/OR SECTION 6100 OF THE FISH AND GAME CODE, NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL THE DEPARTMENT OF FISH AND GAME HAS DETERMINED THAT MEASURES NECESSARY TO PROTECT FISHLIFE HAVE BEEN INCORPORATED INTO THE PLANS AND CONSTRUCTION OF SUCH DIVERSION. THE CONSTRUCTION, OPERATION, OR MAINTENANCE COSTS OF ANY FACILITY REQUIRED PURSUANT TO THIS PROVISION SHALL BE BORNE BY THE PERMITTEE. (0000063)

16. FOR THE PROTECTION OF FISH AND WILDLIFE, PERMITTEE SHALL DURING THE PERIOD:
(A) FROM MARCH 1 THROUGH MARCH 31 BYPASS A MINIMUM OF 5 CUBIC FEET PER SECOND,
(B) FROM APRIL 1 THROUGH APRIL 30 BYPASS A MINIMUM OF 3 CUBIC FEET PER SECOND, AND
(C) FROM MAY 1 THROUGH MAY 31 BYPASS A MINIMUM OF 1 CUBIC FOOT PER SECOND. THE TOTAL STREAMFLOW SHALL BE BYPASSED WHENEVER IT IS LESS THAN THE DESIGNATED AMOUNT FOR THAT PERIOD. (0140060)

17. NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL PERMITTEE HAS INSTALLED A DEVICE, SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, WHICH IS CAPABLE OF MEASURING THE FLOWS REQUIRED BY CLAUSE 16 OF THIS PERMIT. SAID MEASURING DEVICE SHALL BE PROPERLY MAINTAINED. (0060062)

18. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (0000500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: OCT 17 1974

STATE WATER RESOURCES CONTROL BOARD

R. L. Ransberger
Chief, Division of Water Rights